

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LAUREN ASHLEY MORGAN; ERIK
BARNES; SHERRY BASON; LOIS WINN;
GEORGES EMMANUEL NJONG DIBOKI;
JULIA SIMS; and SOPHIA WOODLAND,
Individually and on Behalf of All Others
Similarly Situated,

Plaintiff,

v.

REALPAGE, INC.; GREYSTAR REAL
ESTATE PARTNERS, LLC; LINCOLN
PROPERTY CO.; CUSHMAN &
WAKEFIELD, INC.; FPI MANAGEMENT,
INC.; RPM LIVING, LLC; BH
MANAGEMENT SERVICES, LLC; MID-
AMERICA APARTMENT COMMUNITIES,
INC.; MORGAN PROPERTIES, LLC;
AVENUE5 RESIDENTIAL, LLC; BOZZUTO
MANAGEMENT COMPANY; AVALONBAY
COMMUNITIES, INC.; HIGHMARK
RESIDENTIAL, LLC; EQUITY
RESIDENTIAL; THE IRVINE COMPANY,
LLC; ESSEX PROPERTY TRUST, INC.; ZRS
MANAGEMENT, LLC; CAMDEN PROPERTY
TRUST; UDR, INC.; CONAM
MANAGEMENT CORPORATION;
CORTLAND PARTNERS, LLC; THRIVE
COMMUNITIES MANAGEMENT, LLC;
SECURITY PROPERTIES INC.; CWS
APARTMENT HOMES, LLC; PROMETHEUS
REAL ESTATE GROUP, INC.; SARES REGIS
GROUP OPERATING, INC.; MISSION ROCK
RESIDENTIAL, LLC; and MORGAN GROUP,
INC.,

Defendants.

No. 2:22-cv-01712-RSL

STIPULATED MOTION AND
ORDER SUSPENDING
DEADLINE FOR CERTAIN
DEFENDANTS TO RESPOND TO
COMPLAINT

1 Pursuant to Local Civil Rules 7(d)(1), 7(j), and 10(g), Plaintiffs Lauren Ashley Morgan,
2 Erik Barnes, Sherry Bason, Lois Winn, Georges Emmanuel Njong Diboki, Julia Sims, and
3 Sophia Woodland (collectively, “Plaintiffs”) and Defendants Cortland Partners, LLC and
4 Mission Rock Residential, LLC (the “Stipulating Defendants”), by and through their respective
5 counsel, hereby stipulate as follows:

6 WHEREAS, Plaintiffs filed a Class Action Complaint (the “Complaint”) on December
7 2, 2022. ECF No. 1.

8 WHEREAS, Plaintiffs served the Stipulating Defendants with process on or about
9 December 8 and 15, 2022.

10 WHEREAS, Plaintiffs and the Stipulating Defendants are not aware whether The Irvine
11 Company, LLC, ZRS Management, LLC, CWS Apartment Homes, LLC, Sares Regis Group
12 Operating, Inc., and Morgan Group, Inc. are yet represented by counsel.

13 WHEREAS, the Complaint asserts a claim under Section 1 of the Sherman Act based
14 on the alleged use of RealPage, Inc.’s revenue management software.

15 WHEREAS, as of the date of this filing, the parties are aware that one or more of the
16 Stipulating Defendants are named in multiple other lawsuits, in District Courts in Colorado,
17 Massachusetts, Texas, and Washington, asserting claims under Section 1 of the Sherman Act
18 based on the alleged use of RealPage, Inc.’s revenue management software.

19 WHEREAS, Plaintiffs and the Stipulating Defendants have conferred and agreed that
20 party and judicial efficiency would be best served by suspending, for a short period of time, the
21 deadline for the Stipulating Defendants to answer, move to dismiss, or otherwise respond to the
22 Complaint.

23 WHEREAS, Plaintiff and the Stipulating Defendants have agreed to meet and confer
24 and file a status report with the Court by January 18, 2023, in coordination with all other
25 Defendants, related to a schedule for the case.

26 WHEREAS, on November 28, 2022, this Court entered in *Navarro v. RealPage, Inc. et*
27 *al.*, No. 2:22-cv-01552 (W.D. Wash.), an order that is essentially identical to the subjoined

1 order based on a stipulation that is essentially identical to this one.

2 WHEREAS, on December 6, 2022, Judge Barbara J. Rothstein entered in *Alvarez et al.*
3 *v. RealPage, Inc. et al.*, No. 2:22-cv-01617 (W.D. Wash.), which is now pending before this
4 Court, an order that is essentially identical to the subjoined order based on a stipulation that is
5 essentially identical to this one.

6 WHEREAS, on December 8, 2022, Defendant Equity Residential filed a Motion to
7 Transfer the instant case to the Southern District of California.

8 WHEREAS, on December 12, 2022, Judge Robert S. Lasnik entered in *Cherry et al. v.*
9 *RealPage, Inc. et al.*, No. 2:22-cv-01618 (W.D. Wash.), an order that is essentially identical to
10 the subjoined order based on a stipulation that is essentially identical to this one.

11 WHEREAS, on December 19, 2022, the Stipulating Plaintiffs filed a Motion to
12 Consolidate this matter with other matters pending in the Western District of Washington
13 related to claims under Section 1 of the Sherman Act for alleged use of Real Page, Inc.'s
14 revenue management software.

15 WHEREAS, Plaintiffs have submitted a proposed order, pursuant to their Motion to
16 Consolidate, that if entered, would order consolidated complaints for, respectively, a
17 Multifamily Housing class and a Student Housing Class, to be filed 45 days after the granting
18 of the Order.

19 WHEREAS, on December 20, 2022, Plaintiffs and 17 other Defendants agreed to
20 suspend the response deadline to the Complaint on December 20, 2022 based on a stipulation
21 that is essentially identical to this one. ECF No. 81.

22 WHEREAS, on December 21, 2022, this Court entered an order that is essentially
23 identical to the subjoined order based on the stipulation between Plaintiffs and the 17
24 Defendants that is essentially identical to this one. ECF No. 83.

25 WHEREAS, on December 28 and 29, 2022, Plaintiffs and certain other defendants
26 agreed to suspend the response deadline to the Complaint based on a stipulation that is
27 essentially identical to this one. ECF Nos. 92, 95, 99.

1 WHEREAS, on December 29, 2022, this Court entered orders that are essentially
2 identical to the subjoined order based on the stipulation between Plaintiffs and the respective
3 defendants that is essentially identical to this one. ECF No. 94, 100.

4 WHEREAS, in light of actions filed recently in the District of Colorado, the District of
5 Massachusetts, and the Western District of Texas, the Defendants intend on filing a motion
6 pursuant to 28 U.S.C. § 1407 or, possibly, 28 U.S.C. § 1404, to transfer this case to the
7 Northern District of Texas. In making this stipulation, the Defendants do not waive, in this or
8 any other action, any (i) defenses or arguments for dismissal that may be available under Fed.
9 R. Civ. P. 12; (ii) affirmative defenses under Fed. R. Civ. P. 8; (iii) other statutory or common
10 law defenses that may be available; or (iv) right to seek or oppose any reassignment, transfer,
11 or consolidated alternatives. The Stipulating Defendants expressly reserve their rights to raise
12 any such defenses (or any other defense) in response to either the Complaint or any original,
13 amended, or consolidated complaint that may be filed in this or any other action.

14 THEREFORE, Plaintiffs and the Stipulating Defendants stipulate and agree to suspend
15 the deadline for the Stipulating Defendants to answer, move to dismiss, or otherwise respond to
16 the Complaint and request that the Court enter the subjoined order pursuant to this stipulation.

17 ///

18
19 ///

20
21 ///

22
23 ///

24
25 ///

26
27 ///

STIPULATED to this 29th day of December, 2022.

/s/ Steve W. Berman

Steve W. Berman (WSB No. 12536)
steve@hbsslaw.com
Breanna Van Engelen (WSB No. 49213)
breannav@hbsslaw.com
HAGENS BERMAN SOBOL SHAPIRO LLP
1301 Second Avenue, Suite 2000
Seattle, WA 98101
Telephone: (206) 623-7292

/s/ Rachel Tallon Reynolds

Rachel Tallon Reynolds, WSBA #38750
Rachel.Reynolds@lewisbrisbois.com
LEWIS BRISBOIS BISGAARD &
SMITH LLP
1111 Third Avenue, Suite 2700
Seattle, Washington 98101
Telephone: (206) 436-2020
Fax: (206) 436-2030

Counsel for Plaintiffs Lauren Ashley Morgan, Erik Barnes, Sherry Bason, Lois Winn, Georges Emmanuel Njong Diboki, Julia Sims, and Sophia Woodland Individually and on Behalf of All Others Similarly Situated

Counsel for Defendants Cortland Partners, LLC and Mission Rock Residential, LLC

National Counsel Participating in Meet and Confer:

/s/ Todd R. Seelman

Todd R. Seelman (*pro hac vice* forthcoming)
Todd.Seelman@lewisbrisbois.com
Thomas L. Dyer (*pro hac vice* forthcoming)
Thomas.Dyer@lewisbrisbois.com
LEWIS BRISBOIS BISGAARD & SMITH LLP
1700 Lincoln St. Ste. 4000
Denver, Colorado 80203
Telephone: (720) 292-2002
Fax: (303) 861-7767

Counsel for Defendants Cortland Partners, LLC and Mission Rock Residential, LLC

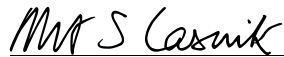
ORDER

THIS MATTER came before the Court on the parties' Stipulated Motion to Suspend the Deadline for Certain Defendants to Respond to the Complaint. Now, therefore, IT IS HEREBY ORDERED THAT:

The deadline for Defendants Cortland Partners, LLC and Mission Rock Residential, LLC to answer, move to dismiss, or otherwise respond to the Complaint is hereby suspended.

Plaintiffs and Defendants Cortland Partners, LLC and Mission Rock Residential, LLC shall meet and confer, in coordination with all other Defendants, and file a status report with the Court by January 18, 2023.

Dated this 30th day of December, 2022.



Robert S. Lasnik
United States District Judge